

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2001 General Assembly.

## HOUSE ENROLLED ACT No. 1027

AN ACT to amend the Indiana Code concerning civil procedure.

*Be it enacted by the General Assembly of the State of Indiana:*

SECTION 1. IC 34-10-1-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2. **(a) This section may not be construed to prohibit a court from participating in a pro bono legal services program or other program that provides legal services to litigants:**

- (1) without charge; or**
- (2) at a reduced fee.**

**(b)** If the court is satisfied that a person who makes an application described in section 1 of this chapter does not have sufficient means to prosecute or defend the action, the court: ~~shall:~~

- (1) shall** admit the applicant to prosecute or defend as an indigent person; and
- (2) may, under exceptional circumstances,** assign an attorney to defend or prosecute the cause.

**(c) The factors that a court may consider under subsection (b)(2) include the following:**

- (1) The likelihood of the applicant prevailing on the merits of the applicant's claim or defense.**
- (2) The applicant's ability to investigate and present the applicant's claims or defenses without an attorney, given the type and complexity of the facts and legal issues in the action.**

**(d) The court shall deny an application made under section 1 of**



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this chapter if the court determines any of the following:

**(1) The applicant failed to make a diligent effort to obtain an attorney before filing the application.**

**(2) The applicant is unlikely to prevail on the applicant's claim or defense.**

**(e)** All officers required to prosecute or defend the action shall do their duty in the case without taking any fee or reward from the indigent person.

**(f) The reasonable attorney's fees and expenses of an attorney appointed to represent an applicant under section 1 of this chapter shall be paid from the money appropriated to the court:**

**(1) appointing the attorney, if the action was not transferred to another county; or**

**(2) from which the action was transferred, if the action was transferred to another county.**

**SECTION 2. An emergency is declared for this act.**

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Speaker of the House of Representatives

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President of the Senate

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President Pro Tempore

Approved: \_\_\_\_\_

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Governor of the State of Indiana

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**HEA 1027 — Concur+**

